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> SPEECH OF Hon. V. E. HOWARD, of Texas,

Against the admission of California, and the dis-memberment of Texas—delivered in the House of Representatives, June 11, 1850, in the Com-mittee of the Whole on the California message. The House being in Committee of the

Whole, and having under consideration the President's message in relation to the admission of California— Mr. HOWARD said:

Nothing, Mr. Chairman, but the deep interest which my immediate constituents and the State of Texas have in these queswhen the peace and welfare of this country require, not a compromise, but justice to the South, and an observance of constitutional requirements and official oaths for their support. The South demands her constitutional rights, and a just share in the benefits of this Government; no other compromise is required, or will secure tranquility to the country.

acter of slavery. I am content to treat the of the country who framed the Constitution under which we here assemble, as an existing relation of society, drawing to itself certain fixed, and, in theory, firmly estab-lished civil and political rights. What the greatest and purest men that the world has ever seen—a Washington, a Franklin, a Hamilton, and a Madison—guaranteed as a right, cannot be proved sinful by the latter day saints of abolition and free-soil, however men may differ as to its character in other respects. Neither shall I so far follow the hackneyed examples of bad taste, as to participate in the sectional recriminations which have been so freely indulged in by speakers from all sections during this bebate; they are beneath the dignity of the subject, and unworthy of the American Congress.

Sir, when our forefathers, the men of the Revolution, framed the present Constitution, the great charter of American libertyslavery constituted no objection to the Union. If, in the progress of events and opinions, it has become so odious and sinful in the tages of the compact, and then refuse to side of a given line. abide by its obligations and express stipulations; the performance, like the benefits, must be mutual by all the contracting par-

During the present session of Congress, petitions have been presented from free justice of permitting a few persons thus to there is not a title in California that will sustion in California is not merely irregular, States asking for a dissolution of the Union, monopolize an empire, which they cannot tain an action of ejection. They are not but that she cannot be admitted into the on the ground that the petitioners could not occupy, to the expulsion of one halt of the legal titles, but mere equities, requiring the Union, under her present constitution, withthe divine law in this respect, and must a right to prescribe their own domestic inyield to this new rule of political faith. It stitutions; but a few men or inhabitants

fall about habeas corpus and jury trial. It this has been denied, and I do not now menmits its obligation, yet evades it by dexter- for the purpose of excluding slavery in all ous legislative devices, as to the remedy, is that vast region. scarcely worth the consideration of the cas-

The truth is, Mr. Chairman, the Constiso, I believe, it is destined to remain. This gress will not cut us off on the South? If ers, 542.) any other rule of government above the

fugitive slaves, opposed, as they are, to the that it would be quite a burden in thirty or and salutary police regulations, but it can forty years, at an annual expense to the neither exclude nor destroy it. The Fede-membership of the Union, that a State has decisions of the Supreme Court, without freesury of the United States of one or two ral Legislature is limited in its exercise of this privilege.

The admission of Vermont, Kentucky,

I am not wedded to any particular line of

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Washington, Tuesday, June 25, 1850.

the Wilmot Proviso and the legislation of

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question to stand merely upon the Constitufrom a Territory; but it may remove obinstitution as it was regarded by the fathers structions and obstacles. If there be any gress to repeal these laws. I might go further, as a question of right, and maintain that there is a broad and obvious distinction between the power to create, or establish a piece of property, and the power to de-

Congress ought to settle this matter, and place it beyond doubt. The inclination of my own mind is, that the Mexican law, in no one will think of taking slaves into these matter."

Territories. No prudent lawyer would advise his client to that course; how, then, can he consistently vote for any settlement the emigrant beyond the harassment of subject. vexatious lawsuits in relation to this species estimation of any considerable section of this country, that the Government cannot be gration of slaveholders, and in its practical letter of the Constitution complied with, let tition in the advantages of the common Terthe fact be proclaimed, and the legitimate ritories. Let there be a removal of aff

THE ADMISSION OF CALIFORNIA.

The first measure of the series is the ad-

portion of which we would have to pay our- itself no authority to exclude or destroy pro- and Maine are not exceptions to this rule, in-After the close of a brilliant war the gov- selves. In regard to preventing our admis- perty in the Territories, can delegate no such asmuch as they were firmed out of pre-existing ernment acquired, by treaty of cession, an sion into the Union, by extending the boun-power to the territorial legislatures. It canstates; and, in that case, the Constitution of contemplates that the initiatory step shall be co. This acquisition was the result of com- Congress that, if they will not give us that, possess itself. If a Territory is within the taken by the old States, and that the approprinciples of equity and justice this public on the other side will say we have acted sovereign; and this cannot be done unless defining their domain, thus belonging as a common fund very foolishly in not embracing the whole admitted as a State into the Union. How the citizens of all the States, with their property. If there is such a difference between the institutions and property of the slave and non-slave States, as to make a common occupation by their citizens repug-

it would be for us to consider r: ther what violation of law and the Constitution.

courses of Mr. King, if not that of others, did influence and control the action of the nama." Thus was this convention assemand protected in the free enjoyment of their

mission of California as a State, with her constitutional boundaries and inhibition of fact, that in no part of Spain or Mexico did If such action is

Whatever may be the difference of opinions is a novel revelation, and above the word of bave no right or power to monopolize large as to the extent of the power of Congress present admission of that State. between one who openly and boldly sets the convention, on a proposition to extend her boundaries to the line of New Mexico, sarily from the facts that it is not within the zation. power and jurisdiction of any particular State, The case of Texas has been cited as furhat vast region.

and is within the power and jurisdiction of the nishing a precedent for a different rule of united States. The right to govern may action; but its authority is clearly the other (Mr. McCarver,) says he is in favor of a be the inevitable consequence of the right to permanent boundary. How is he going to acquire territory. Whichever may be the Congress gave consent that Texas might be tution, in relation to the restoration of fugi- get a permanent boundary by fixing it upon source whence the power is derived, the erected into a State, in order to its admission

quisition, and leave no further territory for impart this information to the Convention. It was a government of necessity, with a The conversation took place between Mr. legal commencement, which could not be Congress.

If there cannot be a division of the country, then the Mexican law ought to be formally repealed. This would not be an establishment of slavery but would leave the tablishment of slavery, but would leave the that has been received from some particular ally expressed. The action of General Riley, sources; letters that have arrived, conversa- under which the convention was assembled I am not, sir, about to enter into any abstract speculations upon the nature and charler King say. Now, sir, I take it that Mr. ries of State and War of the last administra-Thomas Butler King, nor no other single in-Mexican law excluding the manufactures or dividual, is the exponent of the wishes of the could have proceeded to sanction his course. mechanic arts of the North, or the slave Congress of the United States. He is but The convention had not even the merit of a property of the South, it is the duty of Con- one man on the floor of that Congress. He spontaneous revolutionary movement progives but one vote, and that vote it is not in ceeding from the people. It had its origin his power to give whilst he remains in the in the proclamation or military order of Gen-State of California. No, sir, not even that eral Riley, of the 3d of June, 1849. By vote, either directly himself, or indirectly this order he called a convention, fixed the through his friend upon this floor. Sir, I take number of delegates, and the boundaries of that "Mexicans, who in the territory aforeit that if Mr. Thomas Butler King did know districts. Thus were the highest attributes said, shall not preserve the character of citiand had a right to tell us what were the of sovereignty arrogated by this military zens of the Mexican Republic, conformably opinions of the Congress of the United States, commandant, at a remote position, in open with what is stipulated in the preceding

> which does not secure the right, and place the emigrant beyond the harassment of subject.
>
> California Convention upon this most delicate bled, contrary to law and the Constitution; and to the unauthorized Government which exercise of their religion without restraint. It is a great mistake to suppose that the it provided, was delivered over the then ex-

must be mutual by all the contracting parties.

It cannot be disguised, that attachment and loyalty to the Constitution arc, in some sections of the Union, greatly weakened, and in danger of being entirely destroyed.

The degrees of latitude, and embracing the and in danger of being entirely destroyed.

The degrees of latitude, and embracing the statements of Mr. Lones are accurate.

If such action is authorized by the Constitution of the United States, what becomes of the decernine of the Supreme Court, waldidity on the future legislation of Congress.

If the statements of Mr. Lones are accurate. whole Pacific country of any real value. The If the statements of Mr. Jones are accurate, strable, as a legal proposition, that this acresentatives admitted to their seats.

I proceed to state some objections to the

God, for the Scriptures, as well as the Contracts of the public domain for an indefinite over the municipal and internal affairs of a stitution, recognise slavery, and pronounce period of time, which they cannot enjoy, and territory when organized, there can be no declares, that "new States may be admitted encumber it with their political institutions. well-founded doubt that the right to author- into the Union." Now, what is a State, in It was satisfactory to hear this disreputa- Such a course of action is alike forbidden by ize a State territorial government is exclu- the sense contemplated by the Constitution ble doctrine denounced by the distinguished member from New York, (Mr. Duer,) as California, it is particularly odious to the comes a State, the right to govern is in the any previous sanction of Congress, were to well as by the eloquent member from Massa- States it was aimed at, from the fact that it United States, and not in the people who present herself here with a constitution chusetts, (Mr. WINTHROP,) although the was accomplished through the instrumentali- happen to be present or located on the pub- ready formed, would she be a State which value of their reprobation was very much ty of political agitations, and the interference lie domain. In the case of Florida, the Su- could legally be admitted into the Union? It weakened by certain phrases which they let of Executive agents and emissaries. I know preme Court of the United States declared, seems to me that the previous assent of that " perhaps the power of governing a ter- Congress would be necessary to the creation cannot be necessary to remind gentlemen, as it ion the subject with any other view than to intelligent as they are, that the difference produce the proof, furnished by the Califor- has not, by becoming a State, acquired the

tution, in relation to the restoration of fugi-tive slaves, has become a dead letter, and the Sierra Nevada? Is he sure that Con-possession of it is unquestioned."—(1 Pet-into the Union, by means of a convention of delegates chosen by the people. This so, I believe, it is destined to remain. This gress will not cut us off on the South? If ers, 542.)

condition of things is calculated to awaken the gentleman has that assurance from a mathe most lively apprehensions. The whole jority of the members of Congress, I should gress has any authority to destroy private tion formed by authority of the Congress of foundation of the American theory of gov-like to see it I hope he will produce it. property. This cannot be done either in the ernment is the respect and attachment of In my opinion, if a majority of Congress are States or Territories by the Federal Governthe people for their written Constitutions .- determined to settle the question of slavery, ment, because it is restrained by the Consti- the first admission of a foreign State into When they cease, the representative repub- they will give us the whole territory. If it tution. By express provision of the Consti- the Union, it is a strong precedent to prove lican system of government is at an end .- is objected to by Mr. Calhoun, or any other tution, it may take private property for pub- the necessity of a previous consent in order If the people of this country once embrace gentleman who is in favor of slavery over a lic use, first making compensation therefor. It begalize the preparatory action of forming the opinion that there is a Divine law, or part of California, it will be answered that it It has no power to take or destroy private a government which is to enter the Union as is too expensive to establish a territorial gov- property to promote any general purposes of a State. Obviously, no foreign government sanctions of the Constitution, and the obligations of an oath, an end of republican forms will soon follow.

Is too expensive to establish a territorial gov-property to promote any general purposes of a State. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a State. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a desert waste, and may rest with California gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of Separt a gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of separt a gov-property to promote any general purposes of a state. Obviously, no foreign government bas a right to proceed to the election of separt a gov-property to promote any general purposes of a state. No one can read the acts of certain State fornia as a part of the State without being tories, Congress may remove obstacles to the tion has any warrant for this until it is in-Legislatures, prohibiting the restoration of expensive to the people of California; but enjoyment of property, by giving remedies side of the Union; for it is by virtue of the

tween the institutions and property of the tween the institutions and property of the slave and non-slave States, as to make a constituent part of the galaxy of the idea is a solecism, a contradiction in the function of this Government, unless such and become a constituent part of the galaxy of the control of this Government, unless such and become a constituent part of the galaxy of the control of this Government, unless such and become a constituent part of the galaxy of the control of this Government, unless such actually resident in the condition of the function o

division. I am free to say that, twelve months ago, I would not have voted for the Missouri Compromise line; but the active intervention of the Executive and others in the affairs of California, and which will be the desire of the people in Congress; I observed to him question is left open, render a settlement, even by this line, desirable at the present time. I would be willing for a division of the Territory by parallels of longitude, and would prefer the bill of the honorable member from Maryland, (Mr. McLane,) which proposes to extend the Texas boundary to of a State government, was to avoid further of the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I would not have voted for the months ago, I where shall be the limits of a new State to say the tripled. The Supreme Court has decided that an acquisition of territory is also an acquisition of territory is also an acquisition of territory is also an acquisition of the revitory or do the sovereignty, partly in the people of California to take a larger boundary than the states was people. The Supreme Court has decided that an acquisition of the revitory or do the other state of this desired in the provisions of the excellance of the consent of Congress and partly in the people of the Territory is also an acquisition of the sovereignty, partly in the people of the treaty of Hidalgo. Under the laws of the treaty of Hidal and the State of Texas have in these questions, could induce me to claim the attention of the Committee at this late period of the State of California the discussion. The time has as length arrived when the peace and welfare of this country.

This would find the State of California the discussion. The time has as length arrived when the peace and welfare of this country.

The time has as length arrived when the peace and welfare of this country.

The time has as length arrived the matter, and that, until it does act, these termination of a State government, was to avoid further legislation. There would be no question as to our admission by adopting this course; and that the great object in our formation of a State government, was to avoid further legislation. There would be no question as to our admission by adopting this course; and that the great object in our formation of a State government, was to avoid further legislation. There would be no question as to our admission by adopting this course; and that all subjects of the United States. As to the United States during war, and which was continued after peace by the continued and Florida.

The treaty with France of 1803, for the acquisition of Louisiana, provides that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted, as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citi-zens of the United States."

In the treaty with Spain, of 1819, it was eclared that the inhabitants of Florida shall be incorporated into the Union of the United States, as soon as may be consistent with the principles of the Federal Constitu-tion, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States."

The treaty of Guadalupe Hidalgo declares article, shall be incorporated into the Union relation to slavery, is superseded by the Constitution; yet it is a question in contest, and use admitted the constitution of California was convened and, as long as it remains in that condition, whole testimony as totally irrelevant to this dere he states in a proclamation of 22d of all the rights of citizens of the United States, and be admitted to the constitution of California was convened by General Riley without Executive or of the United States) to the enjoyment of all the rights of citizens of the United States. Thus, it seems, that the opinions and dis- June, that it was confirmed by instructions according to the principles of the Constitution; Thus was this convention assem- and protected in the free enjoyment of their

Here Congress is given a wide discretion of property? The present condition of the law of the case, law is the subject of too much uncertainty mediate admission into the Union. It has Riley, with the remarkable declaration that been announced in the other wing of the "whatever may be the legal objections to the Constitution. Congress is made by the Capitol, that this new State must for a time putting into operation a State government treaty the exclusive judge of the proper time this country, that the Government cannot be administered in its original spirit, and the results, exclude the South from any fair parbe be supported by the Federal Treasury, have previous to its being acknowledged or ap- for the admission of these people into the ing no revenue of her own. It is the first proved by Congress, these objections must Union. It is a fair inference from the lanthe fact be proclaimed, and the legitimate consequences follow. But it is not in candor and honesty to appropriate the advantages of the compact, and then refuse to If the report of Mr. Jones be correct, that there never was a surveyor in California, then it is true that there is not a complete title in that country; for it is a notorious plete title in that country; for it is a notorious fact, that in no part of Spain or Mexico did the final title issue, until after survey and junction of the United States, what be distinct the stitution of the United States, what be distinct the stitution of the United States, what be normalized by the Constitute domain the former domain Resident is defined: "One who resides or dwells in a place for some time. A. B. is now a resident of London." Judge Story informs us that "two things must concur to constitute domicil; first, of London." Judge Story informs us that "two things must concur to constitute domicil; first, of California were unknown; the mass of the population were Mexicans and pueblo Indians, and they were to have a year to determine their citizenship. It was a very unpromising material out of which to form American citizens, capable of working our representative system. Mr. Trist knew their character well, and hence the provision in the treaty which gave to Congress unlimited control over the time of their incorporation into the Union, and made the previous action of Congress a condition previous action of Congress conscientiously remain in a Union, the Constitution of which guaranteed slavery. A very considerable party openly took the ground, that the Constitution is opposed to the divine law in this respect and more than present admission of the expulsion of one nail of the constitution, within good faith their out another convention authorized by Constitution is opposed to the Union, cannot readily be apaction of Congress, which in good faith their out another convention authorized by Constitution is opposed to the Union, cannot readily be apaction of Congress, which in good faith their out another convention authorized by Constitution of the union, the Constitution is opposed to the Union, cannot readily be apaction of Congress. I should rejoice to see this action of California require legislative, action on the slavery question settled, the limits of California adjusted, and her worthy represent constitution, with-out another convention authorized by Consultant out another convention o cedent to their formation of States in order vote, it follows to an admission into the Union. It is obvious, from the language employed in the frage, the citizens of other States treaty, that the commissioners contemplated a territorial government for these countries previous to their admission into the Union.

The countries of the curzens of other States on the state of election might be brought into the new State of controlling its domestic policy. The injustice and illegality of excluding the South from the crosses.

day a certification government for these countries of controlling its domestic policy. The injustice previous to their admission into the Union, the treaty texpressly guarantees to these people their liberty, property, and religion, which shows that an intermediate territorial government is assent of congress to the formation of this state could be cured by subsequent legislation, still there is another defect which is radical, and goes to the nullity of the very basis of the California constitution. The delegates who formed the constitution itself, were not elected by citizens of the United States, wherever it speaks of the United States, wher the reverse would be to overthrow the entire representative theory of the Government, and destroy the State system. The people of Ohio have no power, under the Constitution, to permit the citizens of Kentucky to be enumerated or vote for President or members of Congress in that State. If they had this power, the federal slave basis could be transferred to the free States, and the same federal numbers counted in different States. The exercise of the right of sulfrage touching federal rights, under our system, cannot be separated from domicil. People domiciled in the States have no right, under the Constitution, to participate in the formation of a government for a new State in one of the great majority of the consequences to the principles of the Federal constitution and the separated from domicil. People domiciled in the States have no right, under the Constitution, to participate in the formation of a government for a new State in one of the great majority of the consequence of the States of the Constitution, to participate in the formation of a government for a new State in one of the great majority of the consequence of the State or an interior population of the state of the proposition in this respect, are fixed in and pertain to another jurisdiction. That the action of California violated the law and the Constitution in this respect, is evident from the following provisions established by the members of the Union, without domicil or citizens they may cut us down to the Sierra Nevada. power and jurisdiction of the United States, bation of Congress should follow; which, in they may cut us down to the Sierra Nevada. power and jurisdiction of the United States, bation of Congress should follow; which, in they may cut us down to the Sierra Nevada. power and jurisdiction of the United States, bation of Congress should follow; which, in they may cut us down to the Sierra Nevada. power and jurisdiction of the Constitution in this respect, is evident from the course pursued, the following provisions established by the ment. the following provisions established by the proclamation of General Riley, on the 3d of agent at Monterey, as to the population of Cali-

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residence.

With the exception of the admission of the new States formed out of the older States, and the case of Texas previous to admission, there has always been an act of Congress for the territory, fixing boundaries and regulating the right of suffrage.

At the time the convention was called at Monterey, there was no law of suffrage existing in California. The Mexican law, which fixed majority at 25 years of age, and was in other respects greatly restricted, was not pretended to be followed by General Riley. The reason must be obvious. As a purely political regulation, determining the relation between the citizen and his Government, according to the writers on international law, as well as the English and American decisions, this rule ceased on the transfer of California to the United States. The language of the Supreme Court of the United States is: "The same act which transfers their country, transfers the allegiance of those who remain in it; and the the allegiance of those who remain in it; and the law, which may be denominated political, is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the State.

The right of suffrage is not a natural right; it is

The right of suffrage is not a natural right; it is a positive institution of society, confided to a certain portion or its members for the good of all. The power to regulate it was assurped by the proclamation of General Riley, and was an abuse of authority without a parallel in the history of this Government. The convention appears to have been aware of this defect in the very basis of their proceedings for the convention which of this Government. The convention appears to have been aware of this defect in the very basis of their proceedings, for the constitution which they framed declares the qualification of voters, and provides that "every citizen of California, declared a legal voter by this constitution, and every citizen of the United States, a resident of this State on the day of election, shall be entitled to vote at the first general election under this constitution, and on the question of the adoption thereof." Thus no domicil was required to vote for the adoption of this constitution; nothing but simple residence on the day of election. I reasintain that no one bas a right to vote on the organization of a State, unless he is domiciled within the territory at the time. I deny the right of strangers and denizens to exclude the South and Southern property from one of the territories by crecting it into a State organization. That can be effected only by citizens of the territory actually domiciled, who are forming a State government under which they are to live. It is not the province of foreigners and strangers without domicil, or any intention of a permanent residence, who, or any intention of a permanent residence, who, in contemplation of law, still retain their former legal domicil, and have acquired no other. For the rule of law is well settled, that the domicil of origin obtains until a new one is acquired, and it cannot be acquired without an actual change and an intention to abandon the former domicil and acquire another.

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can be consummated only by the assent of Canfornia.

Since the Constitution of California must return to the people for further action and new and important provisions, it becomes the duty of Congress to adjust her boundary and curtail the vast extent of this Pacific empire. There is great danger in permitting one State to engross all the ports on the Pacific, especially when the remoteness and isolated condition of that country is considered. To say nothing of the political hazard of our system, arising from combinations among large and disproportionate States, California, with her vast limits, presents other subjects of serious apprehension. She will be tempted to a separate existence by the wide extent and productiveness of her mines—by the still richer treasures that will flow from Eastern and Indian commerce. From all these causes we may look for hostility to the revenue and commercial system of the Union. All the great commercial system of the Union. All the great commercial ports of the Pacific should not be left under one local jurisdiction. San Diego and San Francisco ought to be in different States, for many and cogent reasons of policy. In the progress of events, the Government of the Union will have slight hold upon that extensive isolated region, with its great mines and western trade, if the country is all embraced by one State government. It is our policy to strengthen the bands of the Union there by the erection of two or more States, the multiplication of scaports, and the creation of commercial rivalries. If you admit California with her present limits, the bay of San Francisco will engross nearly the whole of the foreign and domestic trade of the Pacific.

It is apparent, from the report of Mr. King, that the country possesses much more agricultural power than is generally supposed. Its mines will fill the country rapidly with a large population, a population composed, in a considerable degree, of foreigners, with very little sympathy with our own Government. It is not the part of wisdom to o

In opposing the compromise of Mr. Clay in its present shape, I desire to speak of that illustrious statesman with all respect. By his lofty patriotism and great intellectual exertions during the present session of Congress, he has shown himself, what he has been often termed, the Chatham of America. But I am constrained to say, that the provisions of this bill in relation to Texas are totally inadmissible as a Southern measure, glaringly unujet to that State, and destructive to her highest interest, to her security and prosperity as a slave State.